IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6442 OF 1996

Shri V.V. Shenoy
residing at 4/11, Choksy Building
Vakola, Santacruz (East)
Mumbai - 400 055

2. Standard Batteries Employees
Union, Janata Colony,
Ramnarayan Narkar Marg
Ghatkopar (East), Mumbai ... Petitioners

V/s.

1. The Standard Batteries Limited
Vakola, Santacruz (East)
Mumbai - 400 055

2. Shri A.L. Chabria
General Manager (Manufacturing)
& noticfied Factory Manager
Standar Batteries Ltd., Vakola
Santacruz (East), Mumbai-55

3. Shri G.R. Baviskar
Member, Industrial Court, Mumbai ... Respondents

None for Petitioners
Mr.R.V. Paranjpe for Respondent Nos.1 and 2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 12, 2004**

ORAL JUDGMENT:

. Nobody appears for the Petitioners. Even yesterday, when the matter was called out, nobody appeared for the Petitioner.

2. Mr.Paranjpe, learned Advocate appearing for Respondent Nos.1 and 2, states that a settlement has

been entered into between the respondents and the Standard Batteries Employees' union, Petitioner No.2 herein. He states that under the settlement which is signed under section 2(p) r/w 18(1) of the Industrial Disputes Act, the Petitioner-workman is entitled to an amount of Rs.165,461/- in respect of the dues payable. The workman has already been paid Rs.115,923/- and under clause 5 of the settlement, the company had agreed with the workman that if M/s.Exide Industries Limited which had taken over the business of the respondent-company on 15.2.1998 were to pay them an additional amount, the workman would accordingly be entitled to some amount in excess of that which has been stated in annexure 1 at page 139 to the petition. In the affidavit filed by the Director of the Respondent-company, he has stated that the Petitioner-workman is entitled to an additional amount of Rs.62,042/- including the amount under the settlement of 23.10.2000 being Rs.57,961/-.

3. The Petitioners have accepted part payment of the amounts due under the agreement without demur. The respondents are ready and willing to pay the additional amount as stated in the affidavit of Farok J.Guzdar filed on 1.7.2004 provided the Petitioners withdraw this writ petition.

4. Mr.Paranjpe states that the respondents are

ready and willing to deposit the balance amount payable to the Petitioner-workman on condition that the Petitioners will not agitate the matter any further.

5. Since the Petitioners' advocate is absent, the Petition is dismissed. The balance amount will be deposited by the respondent-company with the Registrar General within four weeks from today. The Petitioners may withdraw the amount after issuing a letter to the respondent-company that they do not wish to proceed in the matter any further and that the Petitioner-workman is accepting the amount as per the conditions laid down in the agreement dated 23.10.2000. The money will be released by this Court only after the Petitioners produce a letter from the management confirming such withdrawal.

6. Writ Petition is disposed of accordingly.

7. Parties be provided an authenticated copy of this order.